

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BELMAIN PLACE CONDOMINIUM
OWNERS ASSOCIATION, a Washington non-
profit corporation,

Plaintiff,

v.

THE AMERICAN INSURANCE COMPANY,
a foreign insurance company,

Defendant.

NO. 2:19-CV-156 MJP

SECOND STIPULATED MOTION
TO EXTEND CERTAIN
DEADLINES IN THE COURT'S
ORDER SETTING TRIAL DATE &
RELATED DATES (Dkt. # 19)

NOTE ON MOTION CALENDAR:
November 19, 2019

Plaintiff and Defendant, by and through their respective counsel, having received, reviewed and discussed the Court's Order on Motion to Revise Case Schedule (Dkt. # 31), hereby provide this second stipulated motion respectfully requesting that the Court extend certain deadlines in the Court's Order Setting Trial Date & Related Dates (Dkt. # 19).

This case is set for trial on June 8, 2020. The parties' recent focus was centered on plaintiff's motion for partial summary judgment (Dkts. # 20, 23 and 25), which on September 4, 2019 the Court denied (Dkt. # 26), and plaintiff's motion for reconsideration in relation to the same (Dkts. # 27 and 29).

Undersigned counsel have several conflicts in the months of November and December 2019 that render the completion of discovery in this matter during those months impracticable, particularly given the holiday season and related scheduling issues.

Plaintiff's counsel will be taking and defending depositions throughout December and January in the case of *Canyon Estates Condominium Assoc. v. Atain Specialty Ins. Co., et al.*, U.S.D.C. Case No. 2:18-cv-1761-RAJ, which is set for trial in this District before the Honorable Richard A. Jones on March 30, 2020. In that same case, plaintiff has a dispositive motion deadline of December 31, 2019, and plaintiff will be filing a dispositive motion on that date. Additionally, in a companion case in King County Superior Court, *Canyon Estates Condo. Assoc. v. Farmers Ins. Exc. v. Westchester, et al.*, Cause No. 19-2-08923-7-KNT, plaintiff's counsel has reserved a January 31, 2020 summary judgment hearing date with the court, such that plaintiff's dispositive motion is due on January 3, 2020.

Defendant's counsel has a multi-week trial before King County Superior Court in *1501 First Avenue S. LP v. Eric J. Branfman Revocable Trust*, No. 18-2-57132-4, scheduled for December 9, 2019, an appellate brief before Division One of the Washington Court of Appeals in *Brandmeier v. Miller*, No. 80111-2-I, due on November 25, 2019, and an appellate brief before the United States Court of Appeals for the Ninth Circuit in *Carl Anderson v. United States*, No. 19-35574, due on December 30, 2019.

Moving the deadlines in this case will allow depositions to be scheduled in a manner that is accommodating to various witnesses', as well as counsel's, calendars. Additionally, the parties have not engaged in ADR and are currently discussing scheduling a mediation in this case in December 2019 or early January 2020, with the hope of mediating before significant resources are expended in further discovery efforts.

1 The parties anticipate that moving these deadlines will not impact the June 8, 2020 trial
2 date or other deadlines. Additionally, per the Court's recent Order (Dkt. # 31), the parties are
3 not requesting any change as to the dispositive motion deadline.

4 The parties respectfully request that the Court enter an order providing for the following
5 amended deadlines:

| Item | Current Deadline | Requested Deadline |
|--|-------------------|--------------------|
| Expert witness disclosures/reports under FRCP 26(a)(2) | November 12, 2019 | January 27, 2020 |
| Discovery cutoff | January 10, 2020 | February 28, 2020 |

9 DATED this 19th day of November, 2019.

10 ASHBAUGH BEAL

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15 Attorneys for Defendant

16
17 **ORDER**

18 IT IS SO ORDERED.

19 DATED this 22nd day of _November_, 2019.

20
21 

22
23 Marsha J. Pechman
United States Senior District Judge

1 Presented by:

2 ASHBAUGH BEAL

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Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on November 19, 2019, I electronically filed the foregoing
3 document with the Clerk of the Court using the CM/ECF system, which will send notification
4 of such filing to the following:

5 Robert M. Sulkin – rsulkin@mcnaul.com
6 Malaika M. Eaton – meaton@mcnaul.com
7 Curtis C. Isacke – cisacke@mcnaul.com
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Attorneys for The American Insurance Company

8 The foregoing is true and correct to the best of my knowledge and belief.

9 Dated this 19th day of November, 2019, at Seattle, Washington.

10 s/ Teresa MacDonald
11 Teresa MacDonald